

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUAN DAVILA-BAJANA,

Plaintiff,

vs.

TIM HOLOHAN, et al.,

Defendants.

Case No. C.A. 04-0235 Erie

RECEIVED

JAN 23 2006

MOTION FOR EXTENSION OF TIME IN WHICH  
TO REPLY TO THE RESPONDENT'S RESPONSE

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

NOW COMES, the Petitioner, Juan Davila-Bajana, and appearing pro se, hereby moves this Court for an extension of time in which to reply to the Response of the Respondent filed herein, and as grounds for granting same, the Petitioner respectfully submits:

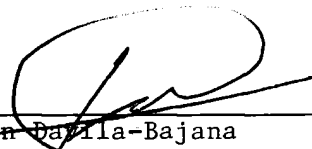
On January 17, 2006, the Responsive pleading of the Respondent and research materials were confiscated from the inmate assisting Petitioner with this litigation by Senior Officer J. Chappelle. This in effect violates Bureau policy (see Program Statement 1315, page 11, para. f), as well as Plaintiff's constitutional rights to seek assistance from another inmate. see Johnson v. Avery, 393 U.S. 483. The Third Circuit has declared that prison officials may not interfere with other inmates assisting in the preparation of legitimate legal materials. see Wade v. Kane, 448 F.Supp. 678, 684 (E.D.Pa. 1978) aff'd, 591 F.2d 1338 (3d Cir. 1979); see also Rhodes v. Robinson, 612 F.2d 766, 769 (3d Cir. 1979).

Petitioner is presently attempting an informal resolution to this matter and to retrieve his legal documents. However, Petitioner may have to assert his administrative remedies.

WHEREFORE, facts and premises considered, the Plaintiff prays that this Court will grant this motion as moved herein.

Dated: January 18, 2006

Respectfully submitted:

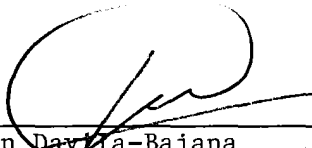
  
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Juan Davila-Bajana  
Reg. No. 47580-053  
FCI McKean  
P.O. Box 8000  
Bradford, PA. 16701-0980

PETITIONER pro se

CERTIFICATE OF SERVICE

I do hereby certify that on this the 18th day of January, 2006, I placed in the U.S. Mail, first-class postage prepaid, a true and correct copy of the above and foregoing pleading for service to:

Office of the U.S. Attorney  
700 Grant Street, Ste. 4000  
Pittsburgh PA 15219

  
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Juan Davila-Bajana